

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 25, 2008**

**DIVISION ONE**

B205209      Frits Vanschaik et al.                      (Not for Publication)  
                         v.  
                         Magic Acquisition Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur:    Mallano, P.J.  
                         Weisberg, J. (Assigned)

B197178      People    (Not for Publication)  
                         v.  
                         Saul Rivera

The judgment is affirmed.

Rothschild, J.

We concur:    Mallano, P.J.  
                         Weisberg, J. (Assigned)

November 25, 2008 (Continued)

## DIVISION ONE (continued)

B199617 People (Not for Publication)  
v.  
Keller & Offley

As to Offley, the judgment is modified to impose two \$20 court security fees. In all other respects, the judgment is affirmed. As to Keller, the judgment is modified by striking the gang enhancement and imposing two \$20 court security fees. In all other respects, the judgment is affirmed. The trial court is directed to prepare respective abstracts of judgment accordingly and forward certified copies of the corrected abstracts to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Dunning, J. (Assigned)

DIVISION TWO

B208761 People (Not for Publication)  
v.  
Gill

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION THREE

B194593      Simon Benjamin                      (Not for Publication)  
                 v.  
                 Nasser Rafie et al

The judgment is affirmed in part and reversed in part. The orders dismissing the quiet title and fraud causes of action are reversed. The order granting the motion to dismiss for forum non conveniens is reversed. The order granting summary adjudication of the causes of action for constructive trust and on common count for money had and received is reversed. The trial court is directed to reinstate the above-listed causes of action. In all other respects the judgment is affirmed. The appeal s to Stella Rafie is dismissed as untimely filed. Appellant is to recover costs of appeal as against Nasser and Flora Rafie. (Cal. Rules of Court, rule 8.278(a)(3) & (5).).

Aldrich, J.

We concur:   Klein, P.J.  
                         Kitching, J.

B186031      Christopher Carpenter  
                 v.  
                 Universal City Studios LLLP et al

Filed order denying petition for rehearing.

B195720      San Remo Funding Group et al  
                 v.  
                 Mako Fund Inc. et al

Filed order denying petition for rehearing.

DIVISION FOUR

B203931      Marina Glencoe                      (Certified for Publication)  
                 v.  
                 Neue Sentimental Film AG

The order is affirmed. Respiondent shall have its costs on appeal.

Epstein, P.J.

We concur:   Willhite, J.  
                     Suzukawa, J.

B201025      People                                      (Not for Publication)  
                 v.  
                 Aguirre et al.

Aguirre's sentence must be amended as follows: (1) on count 1, the concurrent enhancement under section 12022, subdivision (a)(1) (principal armed with a firearm) must be stayed; (2) on count 3, the consecutive enhancement under section 12022.53, subdivision (b) (personal use of a firearm) must be reduced from six years and eight months, to three years and four months; and (3) on count 3, the concurrent enhancement under section 12022, subdivision (a)(1) (principal armed with a firearm) must be stayed.

Fue's sentence must be amended to stay the enhancements on counts 2 (carjacking of Mendez) and 3 (robbery of Mendez) under section 12022, subdivision (a)(1) (principal armed with a firearm).

Each abstract of judgment is to be corrected to accurately reflect the amended sentence. The clerk is to forward each amended abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

Suzukawa, J.

We concur:   Epstein, P.J.  
                     Willhite, J.

DIVISION FOUR (continued)

B206288      Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
D.L., et al.

The judgment (orders of the juvenile court) is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

DIVISION SIX

B205940 People (Not for Publication)  
v.  
Gutierrez

The clerk of the Superior Court is directed to prepare and forward to the Department of Corrections a corrected abstract of judgment reflecting a parole revocation restitution fine of \$2,600, imposed and stayed pending successful completion of parole pursuant to section 1202.45. In all other respects, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B205684 People (Not for Publication)  
v.  
Holmgren

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

November 25, 2008 (Continued)

DIVISION SEVEN

B201915      People                          (Not for Publication)  
v.  
Portillo

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The judgment is affirmed.

Woods, Acting P.J.

We concur:   Zelon, J.  
                      Jackson, J.

B205218      Marcelin      (Not for Publication)  
v.  
Johnson

The order and decision of the trial court dated January 11, 2008, is affirmed. Each side to bear its own costs on appeal.

Woods, J.

We concur: Perluss, P.J.  
Jackson, J.

B205760      Chuen  
v.  
Hong

Filed order denying petition for rehearing.

B204672      People  
v.  
Gomez

Filed order denying petition for rehearing.

DIVISION EIGHT

B205841      Los Angeles County, D.C F.S.      (Not for Publication)  
v.  
G.S.,

The dependency court's jurisdictional and dispositional orders are affirmed.

Rubin, J.

We concur:    Cooper, P.J.  
Bigelow, J.

B203542      People      (Not for Publication)  
v.  
D.J.,  
In re D.J., a Person Coming Under the Juvenile court Law.

Probation condition 15A is modified to read: "Do not participate in any type of criminal street gang activity." In all other respects, the judgment is affirmed.

Flier, J.

We concur:    Cooper, P.J.  
Rubin, J.

B202422      People      (Certified for Publication)  
v.  
Patricia Kimbell

The judgment is modified to reflect a total of 174 days of total presentence credit with 58 days of conduct credit. The court shall amend the abstract of judgment to reflect the modified presentence credit and forward copies to the Department of Corrections. In all other respects the judgment is affirmed.

Bigelow, J.

We concur:    Cooper, P.J.  
Rubin, J.